

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 27, 2007

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
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Publisher

To establish the Department of Health Care Finance as a separate, cabinet-level agency, to provide an organizational structure of the agency that includes a Director, Chief Financial Officer, General Counsel and sufficient support staff, to designate the powers and duties of the agency, to provide temporary independent personnel and contracting and procurement authority, to require the submission of a transition plan by the Mayor and approval of the transition plan by the Council, and to transfer assets and authority of all relevant agencies, including the Medical Assistance Administration and the Health Care Safety Net Administration from within the Department of Health to the Department of Health Care Finance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Health Care Finance Establishment Act of 2007".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Attorney General" means the Attorney General for the District of Columbia.
- (2) "CMPA" means the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).
- (3) "Department" means the Department of Health Care Finance established by section 3.
- (4) "Department CFO" means the Chief Financial Officer for the Department of Health Care Finance.
- (5) "District CFO" means the Chief Financial Officer of the District of Columbia.
- (6) "DOH" means the Department of Health.
- (7) "MAA" means the Medical Assistance Administration.
- (8) "PPA" means the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*).

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Sec. 3. Establishment of the Department of Health Care Finance.

Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), there is established a Department of Health Care Finance as a separate, cabinet-level agency, subordinate to the Mayor, within the executive branch of the government of the District of Columbia.

Sec. 4. Purpose of the Department.

The Department shall:

- (1) Maximize the well-being and quality of life for eligible low-income individuals and other populations through the provision of leadership and direction in administering responsive, effective, and efficient health-care benefits;
- (2) Develop a comprehensive, efficient, and cost-effective health-care system for the District's uninsured, under-insured, and low-income residents;
- (3) Develop eligibility, service coverage, and service delivery and reimbursement policies for the District's health-care-financing programs that ensure improved access and efficient delivery of service;
- (4) Ensure that District health-care programs maximize available federal financial assistance; and
- (5) Support the health-care policy, delivery, and access initiatives of the Department of Health and other District agencies through sound health-care financing.

Sec. 5. Appointment of Director.

The Department shall be headed by a Director, who shall:

- (1) Be appointed by the Mayor with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a));
- (2) Be qualified by experience and training to carry out the purposes of the Department as set forth in section 4; and
- (3) Serve at the pleasure of the Mayor.

Sec. 6. Duties of Director.

In addition to other duties as may be lawfully imposed, the Director shall:

- (1) Supervise and direct the Department, organizing the Department for its efficient operation, including creating offices within the Department, as necessary, and exercising any other powers necessary and appropriate to implement the provisions of this act;
- (2) Receive, manage, and disburse all local and federal funds for operations and medical-assistance purposes of the Department;
- (3) Exercise personnel authority as appropriate to perform the functions of the Department consistent with the District of Columbia Government Comprehensive Merit

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Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*);

(4) Execute grants, contracts, memoranda of agreement and understanding, or other agreements with governmental bodies, public and private agencies, institutions, and organizations on behalf of the Department;

(5) Collaborate with other District agencies to ensure the coordination of Department initiatives that may affect or involve programs within other District agencies; and

(6) Promulgate and implement rules and regulations necessary and appropriate to accomplish his or her duties and the Department's functions in accordance with Title 1 of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

Sec. 7. Department organization.

The Department shall:

(1) Have a Chief Financial Officer separate from any financial cluster, who shall:

(A) Be appointed by the Chief Financial Officer of the District of Columbia after consultation with the Director;

(B) Be qualified by experience and training to carry out accounting, budgeting, and financial management functions;

(C) Report directly to, be ultimately responsible to, and be under the supervisory direction of the District CFO, through the Director;

(D) Engage in the accounting, budgeting, and financial management functions as authorized by the District CFO;

(E) Serve as a member of the Department management team;

(F) Advocate for and advance the policy objectives of the Director, to the extent consistent with the ultimate responsibility of the Department CFO to, and supervisory control by, the District CFO; and

(G) Be subject to evaluation, discipline, and transfer by the District CFO, in consultation with the Director;

(2) Have a general counsel or the equivalent, who shall:

(A) Be appointed by the Attorney General for the District of Columbia as an employee of the Office of the Attorney General, after consultation with the Director;

(B) Be an attorney admitted to the practice of law in the District of Columbia;

(C) Be qualified by experience and training to advise the Department with respect to legal issues related to its powers and duties;

(D) Be in the Senior Executive Attorney Service as an at-will employee under the direction and control of the Attorney General;

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- (E) Be subject to all applicable provisions of Title VIII-B of the CMPA;
 - (F) Have an attorney-client relationship with the Department;
 - (G) Advocate vigorously for the positions of the Department on legal issues, and if that advocacy poses a conflict with a legal position of the Attorney General, seek exemption from the supervision of the Attorney General as to that position, in accordance with section 855(b) of the CMPA; and
 - (H) Be subject to evaluation, discipline, and transfer by the Attorney General, after consultation with the Director; and
- (3) Have sufficient staff, supervisory personnel, and resources, and be organized to carry out the functions and duties set forth in this act.

Sec. 8. Powers and duties of the Department.

Notwithstanding any other provision of law, the Department shall:

- (1) Be the single state agency, successor to the Medical Assistance Administration, for the administration of the Medicaid Program under section 1902(a)(5) of the Social Security Act, approved July 30, 1965 (79 Stat. 344; 42 U.S.C. § 1396a(a)(5));
- (2) Administer the D.C. HealthCare Alliance program and any other publicly funded health-care insurance program;
- (3) Coordinate with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services on all waivers, State Plan amendments, demonstration grants, and other opportunities to maximize federal assistance and fulfill the purposes of the Department as set forth in section 4;
- (4) Coordinate with other District government agencies to ensure effective and efficient use of Medicaid dollars, including providing training and technical assistance to ensure proper and timely billing and claims processing;
- (5) Cooperate with other District agencies to ensure coordinated health-care access and delivery for publicly funded health-care services;
- (6) Collaborate with the District agency responsible for eligibility determination in monitoring enrollment and beneficiary-outreach efforts;
- (7) Engage providers and clients in eligibility, access, quality-of-care, and reimbursement issues;
- (8) Develop and maintain a comprehensive information-technology infrastructure that accurately and efficiently processes claims, interfaces with other necessary public, private, and nonprofit information-technology systems, and collects information for data analysis of trending, cost measurement, performance management, policy development, and strategic planning;
- (9) Develop a long-term-care-finance infrastructure, in cooperation with other District agencies, including the Department of Disability Services, Office on Aging, Long-Term Care Ombudsman, and DOH;

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(10) Promote cost-containment initiatives through policy development, best-practice implementation, grant development, innovative strategies to leverage funding sources, and strategic planning;

(11) Develop an annual budget for the Department to be submitted to the Council by the Mayor, in accordance with section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42); and

(12) Exercise any other power or duty necessary to fulfill the purposes of the Department as set forth in section 4.

Sec. 9. Temporary personnel and procurement authority.

Effective until October 1, 2009, the Department shall exercise:

(1) Personnel authority to hire, retain, and terminate personnel as appropriate to perform the functions of the Department consistent with the CMPA, including establishing compensation and reimbursement consistent with the District's wage grade and non-wage grade schedules and the Congressionally approved budget; and

(2) Procurement authority independent of the Office of Contracting and Procurement, consistent with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*); except with regard to the powers and duties set forth in sections 105(a), (b), (c), and (e) of the PPA.

Sec. 10. Transition process.

(a) No later than March 1, 2008, the Mayor shall submit a proposed transition plan, which has been approved by the Chief Financial Officer and which is accompanied by a proposed resolution, to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess, that identifies:

(1) All the powers, duties, functions, operations, real and personal property, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available, or to be made available, including those from the MAA and the Health Care Safety Net Administration, that are used to accomplish the purposes of the Department as set forth in section 4;

(2) The powers, duties, functions, operations, real and personal property, positions, assets, records, and obligations, and all unexpended balances of appropriations, allocations, and other funds available, or to be made available, that will be transferred to the Department;

(3) The impact of the proposed transfers on the budget of DOH and on the budgets of each affected District agency;

(4) The personnel who shall form the transition team and who shall be accountable for the monitoring and allocation of functions and assets to be transferred to the Department; and

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(5) The procedure by which other District government agencies shall pre-approve claims and allow providers to submit bills directly to the Department, enabling the Department to satisfy valid claims from all available funding sources.

(b) If the Council does not approve or disapprove the proposed transition plan, in whole or in part, by resolution within the 45-day review period, the proposed transition plan shall be deemed approved;

(c) Nothing in this section shall affect any requirements imposed upon the Mayor by Title 1 of the PPA.

Sec. 11. Date of transfer of assets and authority.

No later than October 1, 2008, the transition plan required by section 10, as approved, shall be implemented.

Sec. 12. Continuation of rules and regulations.

All rulemaking and regulations for the administration of the District Medicaid Program and D.C. Health Care Alliance Program, issued under appropriate authority, shall continue in full force and effect.

Sec. 13. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 14. Fiscal impact statement.

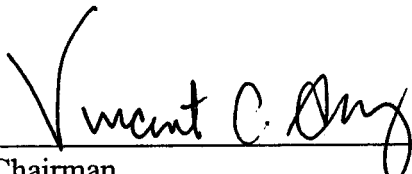
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(3)).

Sec. 15. Effective date.

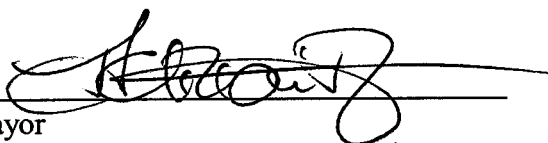
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-228

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 27, 2007*Codification
District of
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To amend the District of Columbia Emancipation Day Parade and Fund Act of 2004 to expressly allow for the purchase of food, snacks, entertainment, and non-alcoholic beverages using District of Columbia funds and to require a minimum percentage of monies to be expended on educational materials.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Emancipation Day Parade Clarification Amendment Act of 2007".

Sec. 2. The District of Columbia Emancipation Day Parade and Fund Act of 2004, effective March 17, 2005 (D.C. Law 15-240; D.C. Official Code § 1-181 *et seq.*), is amended as follows:

(a) Section 2(1) (D.C. Official Code § 1-181(1)) is amended by striking the phrase "activities, held to celebrate" and inserting the phrase "activities, including the provision of food, snacks, entertainment, and non-alcoholic beverages to the general public, participants, and District government employees, held to celebrate" in its place.

Note,
§ 1-181

(b) Section 4 (D.C. Official Code § 1-183) is amended as follows:

(1) Subsection (c)(5) is amended by striking the phrase "activities, and functions" and inserting the phrase "activities, purchases, and functions" in its place.

Note,
§ 1-183

(2) Subsection (d) is amended by adding 2 new sentences at the end to read as follows: "A minimum of 15% of the monies in the Fund shall be used to purchase and provide educational materials. The Fund may be used to purchase food, snacks, entertainment, and non-alcoholic beverages for the general public, participants, and District government employees to celebrate Emancipation Day."

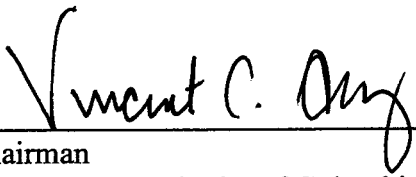
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

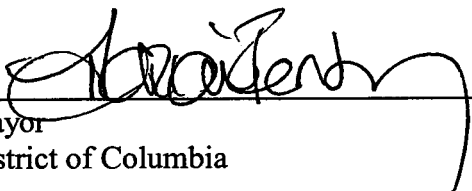
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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 27, 2007

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AN ACT
D.C. ACT 17-229IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 27, 2007*Codification
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To amend, on an emergency basis, due to Congressional review, the School Modernization Financing Act of 2006 to provide that the Facilities Master Plan shall be submitted by May 31, 2008, to require that a work program of 2008 activities and capital projects to be undertaken by the Office of Public Education Facilities Modernization and a proposed organizational structure be submitted to the Council within 60 days of the effective date of the School Modernization Use of Funds Requirements Emergency Amendment Act of 2007, and to provide that no further funds shall be transferred to the Office of Public Education Facilities Modernization if the submissions are not submitted as required; to amend the Schools Modernization Amendment Act of 2005 to strike obsolete references and insert current references; and to amend the Public Education Reform Amendment Act of 2007 to provide that the Director of the Office of Public Education Facilities Modernization shall have maintenance authority at District of Columbia Public Schools facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "School Modernization Use of Funds Requirements Congressional Review Emergency Amendment Act of 2007".

Sec. 2. Section 103(b), (c), and (d) of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.03(b), (c), and (d)), is amended to read as follows:

*Note,
§ 38-2971.03*

"(b) Funding authority provided to the Office of Public Education Facilities Modernization ("OFM") pursuant to this title shall be spent to fund the OFM and to modernize District of Columbia Public Schools in accordance with the Capital Improvement Plan and Budget and the Facilities Master Plan. The Facilities Master Plan shall be submitted to the Council for its approval no later than May 31, 2008.

"(c) Notwithstanding any other law, a work program detailing the activities and capital projects to be undertaken by OFM for fiscal year 2008 and a proposed organizational structure for OFM, which includes the information listed in section 104(a)(1) through (7), shall be

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submitted within 60 days of the effective date of the School Modernization Use of Funds Requirements Emergency Amendment Act of 2007, effective October 5, 2007 (D.C. Act 17-129; 54 DCR 10030), and approved by the Council.

“(d)(1) The Chief Financial Officer shall not continue to provide authority to obligate funds to the OFM to modernize District of Columbia Public Schools under this title if either of the following submission deadlines is missed:

“(A) The Facilities Master Plan is not submitted as required by subsection (b) of this section and certified as required by paragraph (2) of this subsection; or

“(B) The work program and proposed organizational structure are not submitted as required by subsection (c) of this section and certified as required by paragraph (2) of this subsection.

“(2) The Chief Financial Officer shall continue to provide authority to obligate funds only upon receipt of written certification from the Secretary to the Council of the District of Columbia that the submission requirements of subsection (b) or (c) of this section, whichever is applicable, have been met.”.

Sec. 3. Section 4045(a) of the Schools Modernization Amendment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D. C. Official Code § 1-325.44(a)), is amended as follows:

Note,
§ 1-325.44

(a) The heading is amended by striking the phrase “District of Columbia Public Schools” and inserting the phrase “Office of Public Education Facilities Modernization” in its place.

(b) Subsection (a) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) Strike the phrase “Master Facilities Plan” and insert the phrase “Facilities Master Plan” in its place.

(B) Strike the word “Superintendent” and insert the word “Chancellor” in its place.

(2) Paragraph (2) is amended by striking the phrase “Master Facilities Plan” and inserting the phrase “Facilities Master Plan” in its place.

(3) Paragraph (3) is amended as follows:

(A) The lead-in language is amended by striking the phrase “and approved by the Board of Education which shall include” and inserting the phrase “,which shall include” in its place.

(B) Subparagraph (C) is amended by striking the phrase “Master Facilities Plan” and inserting the phrase “Facilities Master Plan” in its place.

(C) Subparagraph (D) is amended by striking the phrase “developed by the Superintendent,”.

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Sec. 4. Section 704(6) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453(6)), is amended as follows:

Note,
§ 38-453

(a) Strike the phrase “including planning, design,” and insert the phrase “including planning, design, maintenance,” in its place.

(b) Strike the phrase “provided, that it shall not manage routine maintenance at DCPS facilities.” and insert the phrase “provided, that it shall not manage cleaning and janitorial services at DCPS facilities.” in its place.

Sec. 5. Applicability.

Section 4 shall apply upon:

(1) Reprogrammings being approved by the Council that transfer to the Office of Public Education Facilities Modernization:

(A) All assets, personnel, and funding authority for maintenance conducted by the District of Columbia Public Schools’ Office of Facilities Management; and

(B) All assets, personnel, and funding authority for capital projects from the District of Columbia Public Schools; and

(2) Submission to the Council of a transition plan detailing the incorporation of the Office of Facilities Management into the Office of Public Education Facilities Modernization.

Sec. 6. Fiscal impact statement.

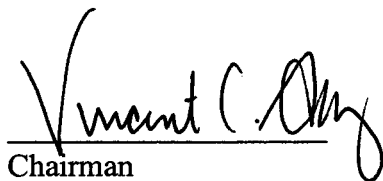
The Council adopts the fiscal impact statement of the Budget Director for the School Modernization Use of Funds Requirements Temporary Amendment Act of 2007, signed by the Mayor on November 27, 2007 (D.C. Act 17-216; 54 DCR ____), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

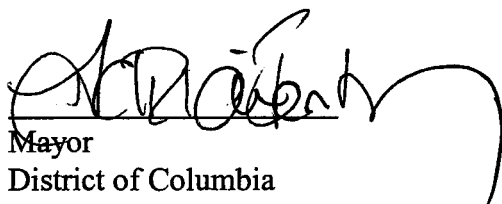
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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED

December 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-230

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 27, 2007

To approve, on an emergency basis, Contract No. GAFM-2007-C-0381 for emergency repairs to address critical and quality-of-life issues at Simon Elementary School, and to authorize payment to Hess Construction Company in the amount of \$1,540,021 for services rendered under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. GAFM-2007-C-0381 Approval and Payment Authorization Emergency Act of 2007".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. GAFM-2007-C-0381 and authorizes payment to Hess Construction Corporation in the amount of \$1,540,021 for services rendered under that contract.

Sec. 3. Fiscal impact statement.

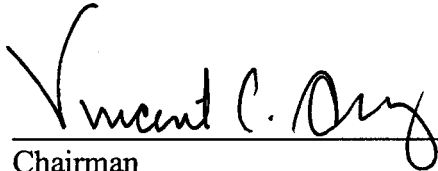
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

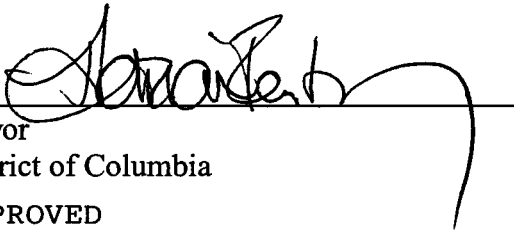
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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 2-204.12(a)).



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To amend, on emergency basis, the District of Columbia Election Code of 1955 to change the procedures for the presidential primary ballot access.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Presidential Primary Ballot Access Emergency Amendment Act of 2007".

Sec. 2. Section 5(b)(2) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 702; D.C. Official Code §1-1001.05 (b)(2)), is amended to read as follows:

Note,
§ 1-1001.05

"(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless:

"(A) He or she has complied with the rules of the political party to be listed on the ballot; and

"(B) The political party certifies the names of the persons who have qualified for the ballot to the Board no later than January 3 of each presidential election year."

Sec. 3. Fiscal impact statement.

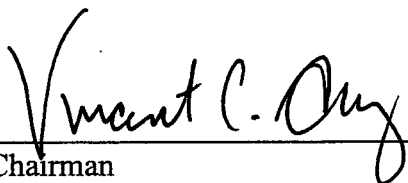
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

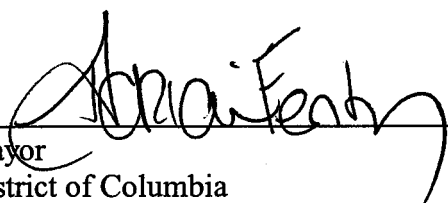
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



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To amend, on an emergency basis, the Prevention of Child Abuse and Neglect Act of 1977 to establish that an individual with a certain criminal conviction, or who lives with other adults with certain criminal convictions, shall be disqualified from receiving a license, approval, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, to identify a list of felony convictions for which an individual, despite a certain conviction, or the conviction of an adult living in the home of the individual, may qualify for approval, licensure, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, if, after a discretionary agency review, a determination is made that the approval, licensure, or permission would be consistent with the health, safety, and welfare of the child, and to establish that in such cases funds that would otherwise be available under Title IV-E of the Social Security Act for adoption-assistance payments or foster-care-maintenance payments shall not be made on behalf of the child; and to amend section 16-308 of the District of Columbia Official Code to permit the court to dispense with an investigation, report, and interlocutory decree, but not a criminal records check, under specified circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Safe Families Emergency Amendment Act of 2007".

Sec. 2. Section 506 of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.06), is amended as follows:

Note,
§ 4-1305.06

(a) Subsection (b) is amended as follows:

(1) The lead-in language is amended by striking the phrase "Except as provided in subsection (d) of this section, an" and inserting the word "An" in its place.

(2) Paragraph (5) is amended by striking the phrase "homicide, assault or battery" and inserting the phrase "or homicide, but not including other physical assault or battery" in its

ENROLLED ORIGINAL

place.

(b) Subsection (c) is amended as follows:

(1) The lead-in language is amended as follows:

(A) Strike the phrase ", or an adult residing in the home of the individual,".

(B) Strike the phrase "check that the individual" and insert the phrase "check that the individual, or an adult residing in the home of the individual," in its place.

(2) Paragraph (1) is repealed.

(c) Subsection (d) is amended to read as follows:

"(d) Notwithstanding the requirements of subsection (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

"(1) The individual has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

"(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children."

Sec. 3. Section 16-308 of the District of Columbia Official Code is amended to read as follows:

"§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse of natural parent.

Note,
§ 16-308

"(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

"(1) The prospective adoptee is an adult; or

"(2) The petitioner is a spouse of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption.

"(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified in § 16-305(4) and (5).

"(c) Nothing in this section shall be construed to waive the requirements of Title V of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law

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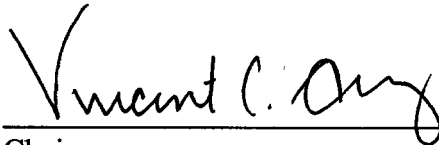
13-136; D.C. Official Code § 4-1305.01 *et. seq.*), including the requirement of a fingerprint-based criminal records check."

Sec. 4. Fiscal impact statement.

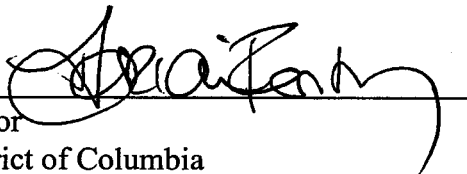
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 27, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-233

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the Free Clinic Assistance Program Act of 1986 to extend the life of the free clinic assistance program until the earlier of October 1, 2008 or the date that a captive insurance company, to be formed at the direction of the Department of Insurance, Securities, and Banking, certifies to the Mayor and the Council that it will offer medical liability insurance to free clinics.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Free Clinic Assistance Program Extension Congressional Review Emergency Amendment Act of 2007".

Sec. 2. Section 7(b) of the Free Clinic Assistance Program Act of 1986, effective September 23, 1986 (D.C. Law 6-155; D.C. Official Code § 1-307.26), is amended by striking the phrase "October 1, 2007" and inserting the phrase "the earlier of October 1, 2008 or the date that a captive insurance company, to be formed at the direction of the Department of Insurance, Securities, and Banking, certifies to the Mayor and the Council that it will offer medical liability insurance to free clinics" in its place.

Note,
§ 1-307.26

Sec. 3. Applicability.

Section 2 shall apply as of October 24, 2007, and shall expire on November 27, 2007.

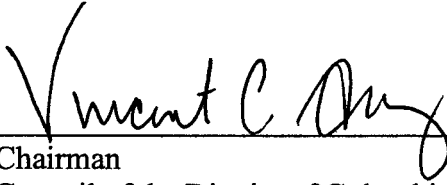
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement for the Free Clinic Assistance Program Extension Emergency Amendment Act of 2007, effective July 26, 2007 (D.C. Act 17-79; 54 DCR 7634), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

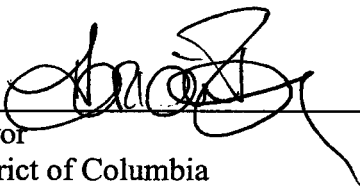
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Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the Health Services Planning Program Re-establishment Act of 1996 to set the certificate of need application fee for Medical Homes DC projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Services Planning Program Emergency Amendment Act of 2007".

Sec. 2. Section 21 of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-420), is amended by striking the phrase "application fee." and inserting the phrase "application fee. The certificate of need application fee for any project receiving funds through the Medical Homes DC initiative, as operated by the District of Columbia Primary Care Association, shall be \$5,000." in its place.

*Note,
§ 44-420*

Sec. 3. Fiscal impact statement.

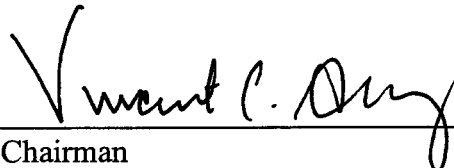
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

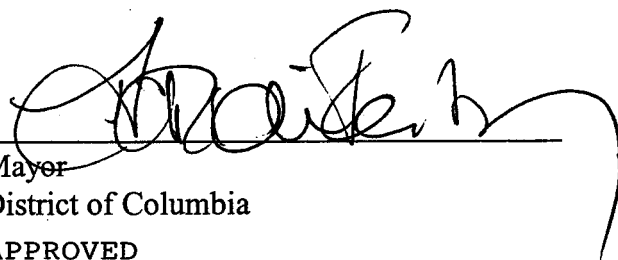
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayer
District of Columbia
APPROVED
December 27, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-235

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 27, 2007*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, Chapter 23 of Title 16 of the District of Columbia Official Code to require that factfinding hearings be conducted within specified time frames for juveniles ordered into secure detention or ordered into shelter care, and to require the Council to contract with a nonprofit organization with expertise in juvenile justice to conduct a study evaluating the impact of the required time frames upon the administration of justice in the Family Court of the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Speedy Trial Equity Emergency Act of 2007".

Sec. 2. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase "16-2310.02. Six-month study of time frames." after the phrase "16-2310.01. Separation of young children detained prior to a hearing."

(b) Section 16-2310 is amended as follows:

(1) Subsection (e) is amended as follows:

(A) The lead-in text is amended by striking the phrase "placed in secure detention" and inserting the phrase "ordered into secure detention or ordered into shelter care" in its place.

(B) Paragraph (1) is amended to read as follows:

"(1)(A) Except as provided in subparagraph (B) of this paragraph and paragraph (2) of this subsection, whenever a child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 30 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

"(B) Except as provided in paragraph (2) of this subsection, whenever a child is charged with murder, assault with intent to kill, first degree sexual abuse, burglary in the

Note,
§ 16-2310

ENROLLED ORIGINAL

first degree, or robbery while armed, and the child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

"(C) Except as provided in paragraph (2) of this subsection, whenever a child has been ordered into shelter care before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be placed in shelter care pursuant to § 16-2312."

(C) Paragraph (2) is amended to read as follows:

"(2)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, upon motion of the Attorney General, for good cause shown, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued, and the child continued in secure detention or shelter care, for only one additional period, not to exceed 30 days.

"(B) Upon motion of the Attorney General, for good cause shown, the factfinding hearing may be continued, and the child continued in secure detention or shelter care, for additional periods not to exceed 30 days each, if:

"(i) The child is charged with murder, assault with intent to kill, or first degree sexual abuse;

"(ii) The child is charged with a crime of violence, as defined in § 23-1331(4), committed while using a pistol, firearm, or imitation firearm; or

"(iii) Despite the exercise of due diligence by the District and the federal agency, DNA evidence, analysis of controlled substances, or other evidence processed by federal agencies has not been completed.

"(C)(i) Upon a motion by or on behalf of the child consistent with the rules of the Superior Court of the District of Columbia, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued for additional periods not to exceed 30 days each.

"(ii) A motion made under sub-subparagraph (i) of this subparagraph shall not be construed as a waiver of the child's speedy trial rights under this section nor under the Sixth Amendment of the United States Constitution.

"(D) Additional continuances of the factfinding hearing may be granted to the Office of Attorney General if the child is no longer in either secure detention or shelter care."

(D) Paragraph (4) is amended by striking the phrase "in secure detention shall be released from custody" and inserting the phrase "in secure detention or shelter care shall be released from custody or shelter care" in its place.

(2) A new subsection (f) is added to read as follows:

ENROLLED ORIGINAL

"(f) No provision of this section shall be interpreted as a bar to any claim of denial of speedy trial as required by the Sixth Amendment of the United States Constitution."

(c) A new section 16-2310.02 is added to read as follows:

Note,
§ 16-2310.01

"§ 16-2310.02. Sixth-month study of time frames.

"(a) Subject to the availability of appropriations, the Council, no later than January 15, 2008, shall contract with a nonprofit organization with expertise in juvenile justice to conduct a 6-month study evaluating the effect upon the administration of justice in the Family Court of the Superior Court of the District of Columbia of the time frames set forth in § 16-2310(e) for conducting factfinding hearings for children ordered into secure detention or ordered into shelter care. The study shall be done in consultation with the Council, the Superior Court of the District of Columbia, the Attorney General for the District of Columbia, the District of Columbia Department of Youth Rehabilitation Services, and the Public Defender Service of the District of Columbia.

"(b) The study shall review:

"(1) The length of time that children spend in both secure detention and shelter care awaiting a plea or factfinding hearing;

"(2) The length of time that children spend in both secure detention and shelter care awaiting disposition after a factfinding hearing;

"(3) The length of time children ordered to shelter care spend in secure detention while on the shelter home waiting list;

"(4) The effect, if any, the provisions of § 16-2310(e) have on the rate at which children ordered into secure detention and children ordered into shelter care have their factfinding hearings;

"(5) Causes for delays in case processing for children ordered into secure detention and children ordered into shelter care, including the frequency of and reasons for continuances; and

"(6) The impact the time frames for conducting factfinding hearings set forth in § 16-2310(e) have on public safety.

"(c) The study shall:

"(1) Identify barriers to compliance with the time frames for conducting factfinding hearings set forth in § 16-2310(e);

"(2) Recommend whether the time frames for conducting factfinding hearings set forth in § 16-2310(e) should be adjusted; and

"(3) Make any other recommendations its authors consider appropriate."

Sec. 3. Applicability.

Section 2(b) shall apply as of January 15, 2008.

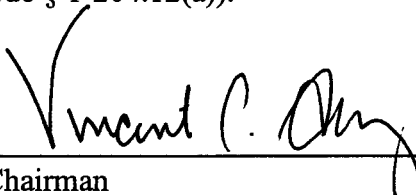
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Sec. 4. Fiscal impact statement.

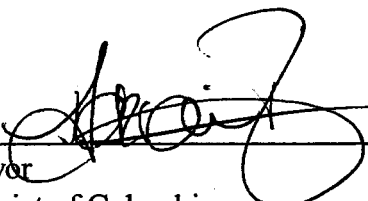
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 27, 2007